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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,818	12/22/2000	Shih-Huang Chen	JCLA6644	8901
7590 08/25/2004				
J.C. Patents 4 Venture, Suite 250 Irvine, CA 92618				
			EXAMINER LEE, CHEUKFAN	
			ART UNIT 2622	PAPER NUMBER 3
DATE MAILED: 08/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,818

Applicant(s)

CHEN, SHIH-HUANG

Examiner

Cheukfan Lee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-3 are pending. Claim 1 is independent.
2. Claim 3 is objected to because of the following minor error:  
The misspelled word "obtaqined" should be – obtained --.

3. The specification is objected to for the following reasons:

Throughout the specification, "Y-axis" is used to describe the axis in which the chassis is moved. Although terms such as "neighboring pixels" and "fixed point" are used, it does not seem to be clear whether the Y-axis is referring to the main scanning axis or to the sub-scanning direction of the scanner. There is no explanation found in the specification on the type of image sensor within the scanner, which, when specified, helps in understanding what the Y-axis is referring to. For example, if the image sensor is a linear image sensor that reads one image line at once and the linear image sensor is moved to scan the next line (in the subscanning direction), then it is clear that the "Y-axis" is the subscanning axis. If the image sensor is a shuttle type image sensor, then during scanning, the sensor moves in both along both the main scanning axis and the subscanning axis. In the latter case, it is unknown whether the "Y-axis" is referring to the main scanning axis or to the subscanning axis. A clear explanation of the "Y-axis" is critical in the understanding of the claimed invention as in the time-positional relationship of the chassis. The specification presented does not describe "Y-axis" in such a way as to enable one skill in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Y-axis is claimed in independent claim 1, and claims 2 and 3 which depend upon claim 1 is understood to include all limitations of claim 1.

Further, it is unclear what "the transmission gate signal" is. See page 4, lines 2-4 of the specification. Though the "period of the surge of two transmission gate signals" is defined to be "the exposure time of the sensor", this explains only the relative time duration between the transmission gate signal(s) and the exposure time; the "transmission gate signal" should be clearly defined as in terms of its function(s).

Furthermore, the specification does not show clear support for how the shutter time is obtained as claimed in claim 3. The only sentence related to the claim 3 limitation is found on page 4, lines 8-9, and that is "For example, the shutter time can be adjusted by analyzing the result obtained by pre-correcting the scan". It is unknown what "pre-correcting the scan" is referring to. It is unknown how "analyzing" is performed resulting in the shutter time being adjusted.

4. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, the "Y-axis" is claimed. Please see objection to the specification addressed above.

Claims 2 and 3 are rejected as being dependent upon rejected claim 1.

In claim 3, "wherein the shutter time is obtained by analyzing a result obtained by pre-correcting scanning" is recited. Please see objection to the specification addressed above for claim 3.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1, insofar as the claim is understood, is rejected under 35 U.S.C. 102(e) as being anticipated by Applicant's admitted prior art.

Regarding claim 1, in Applicant's prior art scanner and method discussed on page 1, lines 10-21, especially lines 17-21, a scanner chassis is displaced to be stationary at a fixed point, and after a sufficient time of exposure, the exposure of the sensor is stopped, and the chassis is moved to a next fixed point, which points are referring to positions of neighboring pixels. Comparing such prior art features of displacement of the chassis and exposure of sensor to Applicant's invention Fig. 1C and the explanation thereof, the examiner found no difference between the prior art and the

claimed invention. In Fig. 1C, the motor moves the chassis for a time period and then stopped (see signal for Motor), and then the sensor exposure time starts (see signal SHUT), and the same is repeated at the next fixed point. This is just like what is done by Applicant's prior art scanner. Insofar as the claimed "transmission gate signal" is understood (the signal SH in Fig. 1C), such signal is inherent in the admitted prior art in order to control the starting and stopping of the motor. Since in the prior art the motor stops moving the chassis in the prior art and then the sensor exposure time starts, and the inherent signal to control the starting and stopping of the motor have substantially the same time duration as that of the motor-on time duration, and the exposure time starts after the motor stops moving the chassis, then it is thus that the exposure time is generated after the surge of the inherent signal as claimed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
Aug. 20, 2004

  
*Cheukfan Lee*